

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KYLE SANZ-CARVER,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-24-723-D
	)	
OKLAHOMA COUNTY	)	
DISTRICT COURT,	)	
	)	
Respondent.	)	

**ORDER**

This matter is before the Court for review of the Report and Recommendation [Doc. No. 12] issued by United States Magistrate Judge Amanda Maxfield Green pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Green recommends the dismissal without prejudice of the Petition due to Petitioner’s failure to either file an *in forma pauperis* motion or pay the \$5.00 filing fee.

The record reflects that Petitioner has made no timely objection, even though he was informed of the right to object, the filing deadline, and the firm waiver rule.<sup>1</sup> *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The Court therefore finds that


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<sup>1</sup> The Court’s Local Rules require Petitioner, as a *pro se* litigant, to “notify the court [of any change of address] by filing the form provided by the clerk and serving a copy on opposing counsel or pro se parties.” LCvR5.4. “Papers sent by the court will be deemed delivered if sent to the last known address given to the court.” *Id.* As Judge Green notes, her previous order directing Petitioner to cure deficiencies was returned as undeliverable on August 29, 2024 [Doc. No. 11]. The Report and Recommendation was also returned as undeliverable on September 25, 2024 [Doc. No. 13]. The Court finds these circumstances do not warrant an exception to the Tenth Circuit’s firm waiver rule because Petitioner was responsible for giving notice of a change of address. *See Theede v. United States Dep’t of Labor*, 172 F.3d 1262, 1267-68 (10th Cir. 1999) (*pro se* plaintiff who failed to provide a change of address or address correction waived right to review by failing to make a timely objection).

Petitioner has waived further review of the Report and Recommendation. *See id.*; *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

**IT IS THEREFORE ORDERED** that the Report and Recommendation [Doc. No. 12] is **ADOPTED** in its entirety. This action is dismissed without prejudice. A separate judgment shall be entered accordingly.

**IT IS SO ORDERED** this 27<sup>th</sup> day of September, 2024.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge